REMARKS

In the non-final Office Action mailed October 9, 2007, (hereinafter, "Office Action"), the Examiner rejected claims 8, 9, and 14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2002/0062392 to Nishikawa et al. (hereinafter, "*Nishikawa*") in view of U.S. Patent No. 6,785,720 to Seong (hereinafter, "*Seong*"); and rejected claims 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Nishikawa* in view of *Seong* and U.S. Patent Application No. 2002/0026532 to Maeda et al. (hereinafter, "*Maeda*").

By this response, Applicants hereby amend claims 8 and 14. Claims 1-7 and 10-13 were previously canceled. Accordingly, claims 8, 9, and 14-16 are currently pending.

In light of the foregoing amendments and based on the reasoning presented below, Applicants traverse the rejections of claims 8, 9, and 14-16 under 35 U.S.C. § 103(a), and request the allowance of pending claims 8, 9, and 14-16.

As a preliminary matter, Applicants thank the Examiner for the acknowledgement of receipt of the certified copies of the priority documents at items 12 and 12(a) on the Office Action Summary.

Applicants also thank the Examiner for the acknowledgment and consideration of the "Notification of Reasons for Rejection issued by Japanese Patent Office on March 8, 2005, in Japanese Application No. 2002-188444," that was listed on the form PTO/SB/08 filed April 18, 2005.

I. Claim Rejections Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejections of claims 8, 9, and 14-16 under 35 U.S.C. § 103(a) as being unpatentable over the cited art because a *prima facie* case of obviousness has not been established.

The key to supporting any rejection under 35 U.S.C. § 103(a) is the clear articulation of the reasons why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. *See* M.P.E.P. § 2141, 8th Ed., Rev. 6 (Sept. 2007). "A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention." M.P.E.P. § 2145. Furthermore, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" at the time the invention was made. M.P.E.P. § 2143.01(III) (internal citations omitted). In addition, when "determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02(I) (internal citations omitted) (emphasis in original).

In this application, a *prima facie* case of obviousness has not been established because, among other things, the cited references, taken alone or in combination, do not teach or suggest each and every feature of Applicants' claims. Specifically, Applicant respectfully submits that claims 8, 9, 14, 15, and 16 are allowable because neither *Nishikawa*, nor *Seong*, nor *Maeda*, taken alone or in any

reasonable combination, teaches or suggests, *inter alia*, "the network process unit returning a communication packet containing a command indicating a current status of the AV function unit, when the network process unit receives, from the electronic apparatus, a communication packet containing a command to check the current status of the AV function unit, and switching an operation of the AV function unit between a normal operation mode and a standby mode . . . ," as recited in amended independent claim 8. Amended independent claim 14, which has a scope different from that of claim 8, should be allowable for similar reasons.

A. *Nishikawa*

Nishikawa fails to disclose or suggest at least this recitation of amended independent claim 8. Indeed, the Examiner acknowledges this failure of *Nishikawa*. Specifically, the Examiner states that "Nishikawa does not specifically disclose the network process unit switching a control unit configured to change an operation of the AV function unit functional module between a status normal operation mode and a standby mode serving to reduce power consumption, when the network process unit receives, from the electronic apparatus, a communication packet containing a command requesting that the operation of the AV function unit be changed." Office Action, p. 4.

Moreover, *Nishikawa* discloses "[an] AV system network 20 compris[ing] an AV system server 22, a television 26, a digital VCR 28 and other AV appliances, all of which are connected to the AV system network 20 via an AV network bus 24." *Nishikawa*, ¶ 0030 (emphasis added). While the Examiner alleges on pages 2 and 3 of the Office Action that *Nishikawa*'s communication unit 50 of AV system server

22 for connecting controller 42 or mobile terminal 40 to TV 26 or VCR 28 corresponds to Applicants' "server apparatus comprising a network process unit," these features are nevertheless disposed in AV system network 20, and not in AV system server 22. *See Nishikawa*, FIG. 1. In contrast to *Nishikawa*, claim 8 clearly requires that the network process unit and AV function unit are included in the server apparatus.

According to the M.P.E.P., "[a]ny terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation." M.P.E.P. § 2111.02(I) (citation omitted) (emphasis added). While *Nishikawa* discloses AV system network 20, *Nishikawa* fails to disclose "[a] server apparatus comprising: a network process unit . . . and an AV function unit . . . ," as recited in independent claim 8 (emphasis added).

Thus, neither *Nishikawa*, nor any obvious variant thereof, discloses or suggests at least the above-noted recitations of amended independent claim 8. For at least this reason, *Nishikawa* cannot support a rejection of claim 8 under 35 U.S.C. § 103(a), and claim 8 should be allowable over *Nishikawa.*

Claim 9 depends from amended independent claim 8. For at least the same reason as set forth above in connection with amended independent claim 8, *Nishikawa* cannot support a rejection of claim 9 under 35 U.S.C. § 103(a), and claim 9 should be allowable over *Nishikawa.*

Independent claim 14, although of different scope, recites subject matter similar to that of amended independent claim 8. For at least the same reason as set forth above in connection with amended independent claim 8, *Nishikawa* cannot

support a rejection of claim 14 under 35 U.S.C. § 103(a), and claim 14 should be allowable over *Nishikawa*.

B. *Nishikawa* and *Seong*

Seong fails to overcome the deficiencies set forth above including the failure of *Nishikawa* to teach or suggest, *inter alia*, "the network process unit returning a communication packet containing a command indicating a current status of the AV function unit, when the network process unit receives, from the electronic apparatus, a communication packet containing a command to check the current status of the AV function unit, and switching an operation of the AV function unit between a normal operation mode and a standby mode . . . ," as recited in amended independent claim 8.

Instead, *Seong* disclose that "[a] power button 610 serves as a toggle switch." *Seong,* col. 4, l. 67. "Namely, a power screen 600 is displayed in a way in which 'POWER ON' alternates with 'POWER OFF'." *Id.* at col. 4, l. 67 through col. 5, l. 2. "When the screen shown in FIG. 6 is in the POWER ON state by pressing the POWER button 610, contents 700 corresponding to the currently set channel (here, CH 11) are displayed as shown in FIG. 7." *Id.* at col. 5, ll. 2-6.

Thus, while the Examiner asserts that "Seong discloses the network process unit switching a control unit configured to change an operation of the AV function unit functional module between a status normal operation mode and a standby mode," the Examiner is incorrect. Office Action, p. 4. Instead, *Seong* clearly states that the toggle button merely alternates between "POWER ON" and "POWER OFF." *See Seong*, col. 5, ll. 1-2.

Therefore, neither *Nishikawa,* nor *Seong*, taken alone or in any reasonable combination, disclose or suggest at least the above-noted elements of independent claim 8. For at least this reason, the Examiner has not established a *prima facie* case of obviousness regarding independent claim 8. Accordingly, the rejection of independent claim 8 under 35 U.S.C. § 103(a) is improper, should be withdrawn, and the claim allowed. Claim 9 should be allowed at least because of its dependence from allowable independent claim 8.

Independent claim 14, although of different scope, recites subject matter similar to that of amended independent claim 8. For at least the same reason as set forth above in connection with amended independent claim 8, the cited references cannot support a rejection of claim 14 under 35 U.S.C. § 103(a), and claim 14 should be allowable over *Nishikawa* and *Seong*.

C. *Nishikawa, Seong,* and *Maeda*

With regard to the rejection of claims 15 and 16, that depend from claim 14, as unpatentable over *Nishikawa, Seong,* and *Maeda*, *Maeda* fails to overcome the deficiencies of *Nishikawa* and *Seong* set forth above. In particular, *Maeda* does not overcome the failure of *Nishikawa* and *Seong* to teach or suggest, *inter alia*, "a controlling unit configured to return a communication packet containing a command indicating a current status of the AV function unit, when the detecting unit detects the power supply control packet containing the status check command, and to cause the AV function unit to recover from or shift to the standby mode, when the detecting unit detects the power supply control packet containing the power-on

command or the power supply standby command," as recited in amended independent claim 14.

Instead, the Examiner asserts that "Maeda discloses an embedded controller configured to control power supply to the AV function unit for interrupting the power supply" and "the controlling unit of the network process unit outputting an up/down signal providing an instruction to supply to the AV function unit or to interrupt the power supply on the up/down signal." Office Action, p. 6. Indeed, referring to Fig. 12 of *Maeda*, *Maeda* merely discloses the unit "cutting off power" 106 and "turning on power" 107. This is in contrast to the recitations of claim 14, including "a controlling unit configured to return a communication packet containing a command indicating a current status of the AV function unit, when the detecting unit detects the power supply control packet containing the status check command, and to cause the AV function unit to recover from or shift to the standby mode, when the detecting unit detects the power supply control packet containing the power-on command or the power supply standby command."

Therefore, neither *Nishikawa,* nor *Seong*, nor *Maeda*, taken alone or in any reasonable combination, disclose or suggest at least the above-noted elements of independent claim 14. For at least this reason, the Examiner has not established a *prima facie* case of obviousness regarding independent claim 14. Accordingly, the rejection of claims 15 and 16 under 35 U.S.C. § 103(a) is improper, at least due to their dependence from claim 14. Therefore, the rejection of claims 15 and 16 should be withdrawn, and the claims allowed.

II. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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